[Shri Shabbir Ahmed Salaria]

the rest of the world, such as the Uri road and the Suchetgarh road, are opened for the people of Kashmir and if electricity and other needs of the people of the State are met, the conditions in the State can be improved. The fact that there have been large scale communal disturbances in India has obviously affected many States in the country. They have affected the secular stature of the country and secular structure of the country. In Jammu and Kashmir, where there is a Muslim majority, the people had acceded to a country which enshrined the principles of secularism and socialism, as enunciated by Mahatma Gandhi. But in actual practice, what happened is that Mahatma Gandhi, that great leader, himself fell a prey to the bullets of communalism. India has been wrought by so many communal riots that the faith of the people in the existence of the socialist and secular structure in India has been shaken. If the turmoil in Punjab and the turmoil which is there in Kashmir is to be arrested, we should arrest the forces of communalism which are spreading throughout the country. Mr. Asad Madni has clearly pointed out the present conditions in the country.

THE DEPUTY CHAIRMAN: Please conclude now.

SHRI SHABBIR AHMAD SALARIA: Unless and until these conditions are remedied, how can the confidence of the people be restored? If that is to be restored, this thing will have to be checked.

Moreover, in the Address it has been said that the land laws would be reformed and that land would be given to the tiller. That is a statement made by the Central Government, whereas it is not within the power of the Central Government to do all that. Similarly, when you say that the right to work shall be given, it was said in the manifesto, but that does not find place in the Address of the President. That means, to that extent the manifesto was overly done. In the circumstances, therefore, I would submit... (*Time bell rings*) Madam Deputy Chairman, please give me a minutes.

I would submit that in the circumstances, in order to bring about conditions which will enable the country to progress...

THE DEPUTY CHAIRMAN: Please take your seat.

SHRI SHABBIR AHMAD SALARIA: ... it is necessary that not only the communal tangle and the communal disturbances should be undone but also we should do one thing that we should restore those rights of the people throughout the country including the State of Jammu and Kashmir with greater stress on the restoration of democracy, on the restoration of the status of the State of Jammu and Kashmir so that the present situation is avoided.

THE DEPUTY CHAIRMAN: Thank you. We shall now take up the Representation of the people (Amendment) Bill, 1989.

SHRI ISH DATT YADAV: What about Mr. Ram Awadhesh Singh?

SHRI RAM AWADHESH SINGH (Bihar): Madam Deputy Chairman. .

उपसभापति : आप उनको क्यों उकसाते है ?

I won't allow. That is closed. I declare that that debate is closed, and the reply will be after the Question Hour tomorrow. Finish.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL 1989

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): Madam, I beg to move... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Don't disturb the House when the Minister is on his legs. I don't allow you. डिबेट बंद हो गई है, अब खुल नहीं सकती I have given my ruling.

श्री राम अवधेश सिंह (बिहार) : आप घड़ी देखिये। मैं 3 मिनट में खत्म कर दूंगा।

उपसभापति : बैठ जाइये। मंत्री जी बोल रहे हैं।

I have closed it. I cannot go back on my ruling. I am sorry.

श्री राम अवधेश सिंह : यह बहुत गलत बात है।

SHRI DINESH GOSWAMI: Madam, I beg to move:

"That the Bill further to amend the Representation of the people Act, 1951, as passed by the Lok Sabha, be taken into consideration."
(*Interruptions*)

The Bill seeks to replace the Representation of the people (Amendment) Ordinance, 1989 (Ordinance No. 2 of 1989) which was promulgated by the President on 21st October, 1989. As the hon. Members ... (*Interruptions*).

THE DEPUTY CHAIRMAN: Don't worry. He disturbed even the President.

SHRI DINESH GOSWAMI: As the hon. Members may kindly recall, in accordance with the provisions of sub-section (2) of Section 14 of the representation of the people Act, 1951, the Election Commission of India...

(व्यवधान)...

उपसभापति : आगे किसी और विषय पर बोल दीजिये। बैठ जाइये।

श्री राम अवधेश सिंह : राष्ट्रपति के अभिभाषण में जो गलतियां रह गई हैं उसके बारे में बोलना चाहता हूं।

उपसभापति : बहुत सी चीजें आने वाली हैं। रात देर तक बैठे रहेंगे, तब बोलिये। आप बैठ जाइये।

SHRI DINESH GOSWAMI: As the hon. Members might kindly recall .... (*Interruptions*) I do not know what is happening.

THE DEPUTY CHAIRMAN: Please don't disturb the House.

यादव जी, आप जाकर चुप करायें।

You started it. Go and ask him to keep quite. (*Interruptions*) Mr. Minister, you don't bother.

SHRI DINESH GOSWAMI: As the hon. Members may kindly recall, in accordance with the provisions of sub-section (2) of Section 14 of the Representation of the People Act, 1951, the Election Commission of India recommended the issue of a notification by the President under sub-section (2) on 23-10-1989 calling upon all parliamentary constituencies to elect members for constituting the Ninth Lok Sabha. At that time the Election Commission had also recommended the issue of a notification separately, in due course, in respect of the parliamentary constituencies in Assam. The Election Commission had made this recommendation because the process of revision of electoral rolls had not been completed by then in Assam.

श्री राम अवधेश सिंह : महोदया, यह बहुत गलत बात है (व्यवधान)

उपसभापति : मन्त्री जी, प्लीज आप बोलिये।

SHRI DINESH GOSWAMI: Sub-Section (2) of Section 14 does provide for issue of one or more notifications by the President for General Election to the Lok Sabha. However, in section 73, under which the Election Commission is required to notify the names of the members elected for the different constituencies, there is provision only to exclude the results in respect of those constituencies for which poll could not be taken on the date originally fixed or where the time for completion of the poll had been extended by the Election Commission. Section 73 also provides that upon

[Shri Dinesh Goswami]

the issue of a notification containing the names of the members elected for different constituencies, the House concerned shall be deemed to be duly constitued.

श्री राम अवधेश सिंह : आपने कहा था टाइम देंगे ।

उपसभापति : खत्म हो गया ।

Ram Awadhesh Ji you can speak on the Appropriation Bill. I have no objection to that, but you cannot disturb the Minister.

श्री राम अवधेश सिंह : इनको रोकिये ।

उपसभापति : नहीं रोक सकती । आप बैठिये ।

SHRI DINESH GOSWAMI: Therefore, in order that the President could issue a notification under section 14(2) calling upon all the constituencies, except those in the State of Assam to elect new members on 25.10.89 and in order that this process could get completed with the issue of "due constitution" notification by the Election Commission under section 73, it was necessary to override section 73 of the Representation of the People Act, 1951 suitably, to enable the Election Commission to issue a "due constitution" notification under that section without taking into account the parliamentary constituencies in the State of Assam. As the matter was urgent and as the Parliament was not in Session, the Representation of the people (Amendment) Ordinance, 1989, was promulgated by the President on 21.10.1989. Thereafter, the Presidential Notification calling upon all the constituencies, other than those in the State of Assam, was issued on 23-10-1989.

The process of revision of electoral rolls in Assam has since been completed. The Election Commission has informed that the rolls for all the constituencies have been finally published on 23-12-1989. Incidentally, I would like to inform the hon. Members that there is a provision in the Representation of the People Act, 1950 for inclusion, even after the final publication of the rolls, of the name of a person who is entitle to be included in the electoral roll but not so included. According to section 23 of the said Act, any such person may apply to the Electoral Registration Officer and if the Electoral Registration Officer is satisfied that the applicant is entitle to be included, he has the powers to direct that the name be included. This process can go on until the last date for making nomination for an election.

The Election Commission has also informed that with the final publication of the rolls, as scheduled on 23-12-89, it will be possible to hold elections for the parliamentary constituencies in Assam in February, 1990. The Election Commission has, however, advised that the Ordinance may be replaced by an Act of Parliament. Such a step will ensure the continued availability of the legal basis for the action taken and to be taken Hence, the Bill is before the House.

I am sure that the House will pass the Bill unanimously. Sir, I commend the Bill for the consideration of the House.

The question was proposed.

SHRI KAMALENDU BHATTACHARJEE (Assam): I am thankful for giving me a chance to speak on the Representation of the people (Amendment) Bill, 1989. Against the backdrop of this Bill, I would like to recall a bit the political history of Assam vis-a-vis electoral rolls and the agitations started and spearheaded by AASU agitationists. The House is aware of the fact that in the last part of 1979 when elections to different Parliamentary constituencies in India were being held in Assam except in two places, Silchar and Karimganj reserved seats, elections to the parliamentary constituencies of Assam could not be held because there was an agitation going on all through Assam in

the name of driving out foreigners. Then, this agitation continued and on the 14th August, 1985 the Assam Accord was signed and by giving one month's special time, the electoral roll was prepared on the basis of which Assam elections to the parliamentary constituencies as well as elections to the Assembly segments were held and by a democratic process these AASU activities who then were converted into Assam Ganga Sangram Parishad party supported by many other parties, the AGP came into power. Now, Madam, when this Assam Accord was signed, there was a provision that the voters list would be updated following the voters list in force. This is for the consumption of the whole House, I want to say when this AGP Government came into power through the electoral rolls of 1985, they thought that it was valid. Then, they started evoking a paradoxical situation. The AASU themselves started agitating that they would not accept the electoral rolls of 1985. When the orders were issued to different Election Commissioners of the different States of India to revise the voters list, it was very strange that the Government employees of Assam, a major section I should say—I should exclude those employees who have their leftist leanings—thanks to them —they did not join them—started saying that unless and until the Chief Election Commissioner of India declares it specifically that 1966 will be the base year for updating the electoral rolls, they would not participate in the process of updating the voters list. This was the situation. Our respected Dineh Goswami is here. He is a part of the AGP party. He stood as a silent spectator when this point was raised.

SHRIMATI BIJOYA CHAKARAVARTY (Assam): Revision of voters list is part of the Assam Accord.

SHRI KAMALENDU BHATTACHARJEE: Bijoyaji you will have your chance to speak. Let me speak. If I say anything wrong, please contradict me. Now, let me speak without interruptions. I think, *didi* will bear with me and she may contradict later on.

There was a lot of pressure and counter-pressure and a via-media sort of thing was accepted. It was specified that 1966 could be adopted for positive purpose thereby implying that if somebody's name was there in 1966 voters list only his decendenants could be very well eligible for becoming voters and their names can be includied in the voters list. When this process was going on, Madam, you will be astonished to know—23rd October was the last day for publication of the draft voters' list, I am quoting from the records—that only on the 23rd October night notices were issued to thousands of people. In Lakhimpur circle, Golpara district, 23rd October was the last date for the publication of the draft voters list and on 23rd October night, notices were given to the thousands of people in the Lakhimpur circle of Golpara district. Madam, I do not want that. No right thinking Indian citizen will want that a foreign national name be there in the voters list. We are against it. Nobody wants the inclusion of his name in the voters list. No genuine Indian citizen will want the foreigner's name in the voters list of the State .But what we are very much against is the harassment meted out to the genuine Indian citizens, the linguistic minorities as well as the religious minorities.

Madam Deputy Chairman, there was a paradoxical and very confusing situation.According to the IND/TF, a tribunal was appointed to find out whether a person was a foreigner or not. So, far as my infromation goes, 3,81. 000 cases were referred to tribunal out of which only 9,,000 people were detected as foreigners. I think, my reliable source has not given me any unreliable information. If I have quoted anything wrong, I intend to stand corrected. But this is my informa- that out of 3,81,000 cases only 9,000 people were determined as foreigners. Madam, those people the AASU activists, the AGP, came with a slogan that we are going to drive out

[Shri Kamalendu Bhattacharjee]

thousands of foreigners from the State of Assam. But when they were faced with the reality— saying something from the Opposition is one thing and governinig a State is something altogether different, when they came to saddle of power, when they came to the real seat of power, they started feeling what is the reality. Out of 3,81,000 people, we could only find that only 9,000 people were foreigners. So they started giving notices indiscriminately to different people. Madam, for the kind information of the whoel House. I will say how partisans the enumerators were. I do not say, all of them. In many districts, they have done commendable work. But especially in the minority areas, in Goalpara West Assembly segment, the enumerators some did mischief. How? I am citing an example They went and asked the persons and what is his name. His name was Valayat Ali. But by thick of mischief by the enumerator, he included it in the voters list as London Ali. For Vilayat Ail, he worte London Ali. Naturally when the draft voters list was being published, his name was being excluded. How come London Ali name is there? So, there was an objection. Similarly, in the case of Sehar Bano her name was shown as Town Bano. That is a mischief of the enumerator (*Interruption*). I know Vilayat is London. But you cannot translate the proper noun. Sehar Bano was translated as Town Bano. Naturally they had get an objection. This gave a scope to the AASU activists. They were sitting. (*Interruption*). No, no. You know as well as I know that there are many well well-intentioned people in AGP. I believe that they are having true democratic spirit but they become puppet in the hand of ASSU and ULFA activists. You konw, madam one or two persons sifting in a town. This is the mockery of democracy. They were giving notices to 16,000 people. They were taking out paper and writing down names, writing down complaints and policy was taking cognisance. Madam, as per the Act of parliament, there was a tribunal to determine foreign nationals. Now how come the Election commission takes on itself the duty to determine a foreign national; how can the police take on itself the power to determine a foreign national?

6.00 P.M.

Madam, there were many persuasions, remarks and complaints on all sides, by the minorities, by the Congress people and by the left forces. I must also congratulate them. I have gone on record many times saying that in Assam, the left forces have always fought very valiantly against those chauvinistic and divisive forces and always they have tried to hold up and champion nationalistic causes. For this I am thankful to them. They have also fought vigorously with us. We are not against the policies of the AGP as such. But in certain areas there is a sinister move to just mete out a differential treatment to the minorities, religious and linguistic. This is what we are fighting against. Madam as a student of English Literature, I am reminded of the famous lines from ode, intimations of Immortality, written by Wordsworth: "Not in utter nakedness, not in entire forgetfulness, but trailing clouds of glory do we come from God who is our home". I want to read just these lines a little and say: Not in utter nakedness, not in entire forgetfulness, but the trailing clouds of humanity did come from East Pakistan which was our home. This was a national commitment. Respected Vajpayeeji is not here, but Members from the BJP are here. When Samar Guha, Jawaharlal Nehru, Sardar Patel and all very big and respected national leaders gave a commitment to the nation that those who came from that part of India because of the partition of India would always be considered as Indian citizens, it is our national commitment. What is our international commitment on the Indira-Mujibur Pact? You also stand committed to honour this pact. Those religious minorities, those lin-

guistic minorities, who came to Assam before 1977 should be regarded as Indian citizens. There are many right-thinking men in the AGP. I am repeatedly saying this. There is the Assam Chief Minister who started a new movement. Our hon. Member on that side, Mr. Nagen Saikia, also initiated a very good move by holding the Assam Sahitya Sabha conference in the Algapur area of the then Kachar District. This is a very significant and laudable move. We must have exchange of ideas. We must have cultural exchange. We are also fellow brethren. We are living in the State of Assam. We should live there like brothers. Before he did it, there was Mr. Parag Chaliha who was an M.P. in the Lok Sabha and who is no longer an M.P. He also initiated a move to have cultural exchange between the two valleys of Assam. There we should live like fellow beings. There should not be any spirit of animosity. There should not be any spirit of mutual distrust. There should be no spirit of fear. Fear psychosis should not work. Respected Mr. Dinesh Goswami is here. He is no longer an AGP Member. He is a Minister of the Government of India. I would appeal to him that he should take into account the facts which I have placed before him. He should remember, being a member of the National Front, that he should not tolerate any affront to democracy. He is a very important member of the National Front. He should not tolerate any affront to democracy which is being done. Minorities are being harassed. I want to bring to the notice of this House that when this draft voters' list was published, the names of 1,20,00,000 people figured there. I have always been speaking in this spirit. The AGP Government came in power through this voters' list of 1985. How can they challenge this particular voters' list? This is a paradoxical situation. Yes, after a lot of persuasion, Madam, a draft voters' list was published and even out of this list of one crore and twenty-two lakh names, five lakh names have been deleted, five lakhs of names of people belonging to the minorities and they are saying that there is an abnormal growth!

Madam, as you know, there is a very famous saying that there are three kinds of lies—lies, damn lies and statistics. If we go by the statistical figures, the all-India growth rate of voters is 64.57 per cent whereas in Assam, the growth is 48.74 per cent and this is less than the all-India figure. But they are convinced that there is an abnormal growth! But, mind you, they are objecting to the growth not in all areas, but they are objecting to the growth in certain areas where religious and linguistic minorities are in a majority. So, I would be putting in my request to this new Government that they should stand by the national commitment, they should stand by the international commitment, and they should see to it that not a single genuine Indian citizen is harassed and they should see to it that a genuine list, a list comprising the names of genuine citizens, is published. They should also see that an atmosphere of fearlessness prevails in Assam and not the atmosphere in which trigger-happy people thrive. It should be an atmosphere in which all sections of the people, people belonging to different languages and cultures, participate in the true spirit of democracy in a free and fair election. With these words, Madam, I conclude my speech.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : उपसभापति महोदया, लोक प्रतिनिधित्व (संशोधन) विधेयक, 1989 का मैं समर्थन करने के लिये खड़ा हुआ हूं। इस समय माननीय सदन के लिए इसके अलावा कोई विकल्प भी नहीं है और मुझे पूरी आशा है यह माननीय सदन इस विधेयक को सर्वानुम्मति से पारित करेगा।

महोदया, 23 अक्तूबर, 1989 को नौवीं लोक सभा के गठन के लिए चुनाव की विज्ञप्ति जारी होनी थी, इसलिए तत्कालीन सरकार को 21 अक्तूबर, 1989 को अध्यादेश के जरिए कानून बनाना पड़ा और वह भी चुनाव आयोग की सलाह से क्योंकि मतदाता सूची उस समय तैयार नहीं थी और

[श्री सत्य प्रकाश मालवीय]

बिना मतदाता सूची के, बिना सही मतदाता सूची के चुनाव नहीं हो सकता था । वर्तमान सरकार की ओर से यह पहला विधेयक है, जो किसी अध्यादेश को कानून का रूप दे रहा है । मैं समझता हूं कि वर्तमान सरकार को भविष्य में बहुत ही जब आवश्यकता होगी, तभी अध्यादेश का सहारा लेगी वरना सरकार को अध्यादेश का सहारा नहीं लेना चाहिए ।

महोदया, यहां पर चर्चा की गई मतदाता सूची के बारे में । यह सही बात है कि वर्तमान लोकसभा का जो गठन हुआ, उसमें असम राज्य का प्रतिनिधित्व नहीं है और यह स्थिति अच्छी नहीं है । इसलिए मेरा अनुरोध है कि बहुत जल्दी असम राज्य में लोकसभा के चुनाव कराए जायं । इस विभाग के मंत्री भी असम से आते हैं और यह कैसा लोकतांत्रिक खेल है कि पिछली जो लोकसभा थी, उसकी सदस्यता से भी दिनेश गोस्वामी जी को त्यागपत्र देना पड़ा था और जब नौवीं लोकसभा का गठन हुआ तो उस समय चूंकि वहां पर चुनाव नहीं हो पाए लोकसभा के, इसलिए दिनेश गोस्वामी जी चुनाव लड़ने से वंचित रह गए । मेरा अनुरोध है कि आज जब मंत्री जी अपना उत्तर दें तो कम से कम इस सिलसिले में जरूर आश्वासन दें कि असम में लोकसभा के चुनाव कब होंगे, कब तक यह चुनाव कराए जाएंगे ?

उपसभापति : वे राज्य सभा में आ जाएंगे ।

श्री सत्यप्रकाश मालवीय : आ तो जाएंगे, लेकिन असम का प्रतिनिधित्व लोकसभा में आना चाहिए । वर्ष 1980 में भी यह घटना हुई थी, वह दोहराई गई इस बार भी ।

महोदया, मतदाता सूची के बारे में कुछ आपत्तियां की गई हैं । सभी लोग जानते हैं कि मतदाता सूची का पुनरीक्षण होता है, संशोधन होता है, उसमें नाम घटाए जाते हैं, नाम बढ़ाए जाते हैं और यह चुनाव आयोग के निर्देश पर होता है । इस संबंध में एक इलेक्टरोल रजिस्ट्रेशन रूल्स है, उसके तहत वहां ये नाम चढ़ाए जाते है और हर व्यक्ति को मौका मिलता है उस पर आपत्ति करने का । चुनाव आयोग ने घोषणा की है कि मतदाता सूची तैयार हो गयी है, इसलिए मैं समझता हूं कि चुनाव कराने में वहां कोई कठिनाई नहीं होगी ।

इन्हीं शब्दों के साथ में इस लोक प्रतिनिधित्व (संशोधन) विधेयक, 1989 का इस आशा और विश्वास के साथ समर्थन करता हूं कि सारा सदन एकमत होकर इसे पारित करने की कृपा करेगा ।

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Madam, I stand to support this Bill.

Madam, promulgating an Ordinance was not a new thing. There was the necessity of promulgating an Ordinance and it was promulgated and accordingly elections were held. Now there is no other way than passing this Bill. Anyway, there are some improtant points to be discussed.

Madam, first of all, I want to reply to some of the points raised by my colleague Mr. Kamalendu Bhattacharjee. He was wonderful on the stand taken by the AGP in raising dispute about the electoral rolls of 1985 by which they were elected to power. There was a more wonderful thing happening in Assam in 1983. There were elections for the Assam Assembly in 1983. There were some constituencies where only a few hundreds of votes were polled. People had boycotted the elections. One member who was elected with 100 votes became a Minister. I have forgotten his name. He was the Health Minister in the Cabinet (*Interruption*) I do not properly remember his name. This was a wonderful stand taken by the Congress party and they have justified this sort of thing that there is nothing wrong in the position of the AGP on the electoral rolls in 1985.

Madam, one more point he has raised. this has happened due to the base year, raised by AASU. As far as my knowledge goes, the elections in Assam or the preparation of electoral rolls in Assam were not held up due to the dispute over the base year. As a matter of fact, it is not a material dispute. There is the provision in the Assam Accord to verify the electoral rolls prepared right from 1966 to 24th

March 1971 and to identify the foreigners and to eliminate them from the electoral rolls. Accordingly this should have been done.

SHRI KAMALENDU BHATTACHARJEE: I am very happy that since the last General Elections results he has become an expert about Assam.

SHRI PUTTAPAGE RADHAKRISHNA: Madam, I would like to make it clear that there is a provision in the Assam Accord and that will look after these things. The AGP or the Assam State Government cannot be blamed on this issue about the base year. Mr. Bhattacharjee has pointed out that out of 3 lakhs and 81 thousand votes only 9000 voters were identified as foreigners. And he said, what is wrong, if you can verify more people and find out some what is wrong. Let us forget it. There is nothing wrong. (*Time Bell rings*) He has also pointed out that there is a total electorate in Assam to the extent of 1.22 crores out of which 5 lakhs minority voters were removed. According to my knowledge, 5 lakhs were not removed. Only about 4 lakhs were given the show-cause notice. All these people did not belong to minorities. The list comprised all sections of the people. There is nothing wrong in giving the notice and there is nothing wrong in the verification of electoral rolls. They have to settle the question of citizenship on merit. Madam, there was ample opportunity for the voters whose names had been deleted from the voters' list and to establish their identity. There was also a provision to go in for appeal. They could settle this question. I am told that the draft voters' list was prepared three times.

SHRI KAMALENDU BHATTACHARJEE: The teacher who taught Mr. Prafulla Kumar Mohanta in school also received the notice.

SHRI PUTTAPAGA RADHAKRISHNA: It is not a new thing in the history of India. The names of several High Court Judges and Supreme Court Judges have been missing from the voters' list. The names of several Members of Parliament have been found missing from the voters' list. It has become the order of the day. When there is a dispute about their citizenship, it is up to them to prove that (*Interruptions*)

THE DEPUTY CHAIRMAN: I think the Minister from Assam is quite capable to take care of it.

SHRI PUTTAPAGA RADHAKRISHNA: If the citizenship of a genuine person is objected to, it is very easy for him to establish his citizenship. If a person is not a citizen of this country or if he is a foreigner, then it is difficult for him to prove his citizenship. Therefore, the Bill is not wrong and there should be no opposition to the merits of the Bill. But there are some inter-linked matters which are being discussed here. There is nothing to blame the State Government or anybody else. These are the circumstances which made the elections to be held up. With these remarks, I support the bill.

श्री कैलाश पति मिश्र (बिहार) : महोदया, मैं इस विधेयक के समर्थन के लिए खड़ा हुआ हूं। लेकिन मंत्री महोदय को दो-तीन घटनाओं की जानकारी देकर चुनाव में जाने से पहले वहां की स्थिति संभालने के लिए आग्रह कर रहा हूं।

मैं अभी कलकत्ता गया था, वहां के एक समाचार पत्र हिन्दी का "सन्मार्ग", उसमें समाचार पढ़ने के लिए मिला है कि उल्फा आतंकवादियों के द्वारा वहां आतंक शुरू हो गया है और छपा हुआ है कि उन्होंने अपनी अदालत बनाई है और उल्फा अदालत के द्वारा मृत्यु दण्ड की सूचना जारी की गई, वह पत्र जिसको पढ़कर गैर असमी ही नहीं असमिया समाज भी चौक पड़ा, परन्तु सरकार चुप रही। मैं समझ रहा हूं कि इस प्रकार के उग्रवाद को कंट्रोल करना राज्य सरकार के बूते की बात नहीं है, केन्द्र सरकार उसमें ध्यान दे।

[श्री कैलाश पति मिश्र]

एक बात का मैं और उल्लेख करना चाहता हूं। असम, पश्चिम बंगाल और बिहार का कुछ भाग, वहा की आबादी की शक्ल बदलती जा रही है । दो प्रकार के लोग बगलादेश से निरतर आ रहे है—एक शरणार्थी, जिनका बंगलादेश मे रहना कठिन हो गया है, दूसरे घुसपैठिए । पहले तो मैं यह आग्रह करना चाहूंगा कि घुसपैठियों और शरणार्थियों में अंतर करने की आवश्यकता है । दोनों को एक तराजू पर नहीं तोला जा सकता और घुसपैठिए यहां आने के बाद नागरिकता प्राप्त न कर सकें, मतदाता सूची में उनका नाम न जुड़ सके, उसके लिए केन्द्र सरकार से पहले से ही आग्रह होता रहा है । कट आफ डेट की घोषणा हुई, आज तक उसका पूरा पालन नही हुआ है । केन्द्र सरकार उसकी ओर ध्यान दे ।

इन्ही चेतावनियो के साथ मैं इस विधेयक के समर्थन में अपना वक्तव्य समाप्त करता हूं ।

DR. NAGEN SAIKIA (Assam): Madam Deputy Chairman, I take my stand on my behalf and on behalf of my party to support the Bill. Madam, the Parliamnetary election in Assam was to be postponed till a revised and correct voters' list was prepared in accordance with the term included in the Assam Accord, 1985. Madam, no true Indian, irrespective of his caste or creed or religion or language or party affliation, wants that there should be the names of the foreigners in the voters' list of the country. If we agree even to keep a single name of a citizen of another country in our voters' list, it would be against the solidarity, integrity and the sovereignty of the whole of India. Nobody but the true citizens of the country should be allowed to take part in the process of forming a Government and rule the country.

Madam, unfortunately, under the patronage of the previous Governments in Assam, the citizens of Bangladesh came into the State in lakhs to settle there and then to claim the right to franchise. It was the duty and the responsibility of the Government of India to take appropriate measures to identify the foreign citizens and to debar them from taking part in the process of forming the Governments. But still it pains me to state that the previous ruling party both in the State and in the Centre with a view to use the foreigners as their vote banks incited them against the indigenous people in Assam on many occasions and tried to label the Assam agitation as an agitation against the Indians of other States of the country. Through blood and tears, Madam, the State passed the painful years and at least could establish the genuineness of her demand before the country. But yet the people of the State did not take a stern stand to demand the deporting of those foreigners that came into the State between the years January 1966 and 24th March, 1971, rather agreed for the inclusion of their names after the lapse of a period of ten years.

Madam, after the installation of the AGP Government in Assam, the Governemnt has been requesting to take appropriate steps to revise the voters' list after deleting the names of the foreigners that crept into the voters' list prepare during the Presidential Rule in the State under the pressure of the Congress(I) rulers. If the necessary measures were taken, Assam also could have had her representatives in the Ninth Lok Sabha along with the other States of the country. Madam, due to Centre's deliberate slow move and due to natural calamities also like devastating floods, the revision could not be made by the Election Commission in time, for which, His Excellency the President of India had to order for the postponement of the Parliamentary elections in Assam. It was the necessity of the time, and hence an amendment of the Representation of the People Act, 1951, to this effect is most welcoming now.

Madam, in connection with the preparation of the revised voters' list, I want to make the stand of the Government of Assam clear. The Govern-

ment of Assam has categorically stated that the name of no Indian citizen whosoever he may be should be deleted. But at the same time, not a single name of a foreigner should be there in the list. A section of people tried to allege—my friend, Mr. Bhattacharjee has also alleged a few minutes back—that some names have been deleted from the voters' list. Yes, Mr. Kamalendu Bhattacharjee is right in saying that notices were served on some people. My friend, Mr. Radhakrishna has also said that notices were served. And it was the duty and the responsibility of the citizens of India *to prove their genuineness. Notices* were served on those persons whose names were not found in the voters' list of 1966. Notices were even served on some Assamese-speaking people in the Brahmaputra Valley. For example, I can cite the name of Dr. Mahendra Bora, ex-President of the Assam Sahitya Sabha and 'Lakshminath Bezbarua—Professor' of Dibrugarh University. As my colleague, Shrimati Bijoya Chakravarty, reminds me just now notice was served on her husband, Shri Jiten Chakravarty, also.

Moreover, at the time of preparation of the draft rolls, there may be wrong entries and non-entries. It is the responsibility of every true Indian citizen to see that his or her name is included in the list, and included correctly. For this purpose, enough time was given by the Chief Election Commisssioner. Madam, the preparation of the final rolls was delayed due to the objections by the people against the unimaginably big increase in the number of voters in the draft rolls in some places. Where there is an increase of more than 100 per cent, a strict scrutiny is very much essential to see that the names of foreigners and minors—under 18—do not get a place in the electoral rolls. Is it not necessary to ensure that not a single unwanted name is included?

Madam, we want not a single Indian citizen in the State to be deprived of the right of exercising his or her franchise and not a single foreigner to be allowed to have the right of franchise. From the point of view of the sovereignty and the integrity of the country, we must be careful in preparing the electoral rolls. Now that this process is over and the voter's list is finalised, I welcome this Bill.

I hope, we shall be given an opportunity to elect our representatives. We want the rest of the country to treat Assam as a part of it, as a vital part of it, and the agony of Assam as the agony of the country. We do not want to remain unrepresented in the Lok Sabha for a long period. We have been demanding that as soon as the revision is completed, elections to the Parliamentary seats from Assam should be held. This process is now over and we hope, we shall have the full help and cooperation from the Central Government to hold fair elections in Assam, which the A.G.P. Government stands for. Thank you.

THE DEPUTY CHAIRMAN: Before I call the next speaker, I have an announcement to make. As was demanded by hon. Members and in view of the fact that we are going to sit late, the Leader of the House has arranged dinner for the Members at 8.30 p.m. in Room No. 70, Parliament House.

SHRI JAGESH DESAI (Maharashtra): Madam, today, we should adjourn the House at 8.45 p.m., because we have some commitment. We should sit only up to 8.45 p.m.

SHRI K. V. THANGKABALU (Tamil Nadu): We agreed to sit up to 8 p.m. Now, you are postponing it from 8 to 9 p.m.

THE DEPUTY CHAIRMAN: Mr. Jagesh Desai, you know it. We have Government Business which we have to finish. (*Interruptions*) On the Motion of Thanks, we exceeded the time-limit by one-and-a-half hours.

SHRI JAGESH DESAI: We can take it up tomorrow. As I said, we have some commitment.

THE DEPUTY CHAIRMAN: It is up to the Members of the House.

THE LEADER OF THE HOUSE (SHRI M. S. GURUPADASWAMY): Madam, the Official Business has got to be completed.

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): They have some commitment. We have financial commitments.

SHRI M. S. GURUPADASWAMY: The Official Business has got to be gone through and there are two statements in addition. It is for the House to decide.

SHRI N. K. P. SALVE (Maharashtra): Madam, yesterday, we informally met and we agreed before the Chairman to the revised Business, to which the Leader of the House was a party. It was agreed that the House, today, would not sit beyond 8 p.m. However, I respectfully submit, as we —all of us in our party-have an important engagement, kindly do not take the proceedings beyond 8.45 p.m.

SHRI M. S. GURUPADASWAMY: If they so wish, let us cut short the debate. I have no objection. But the business has got to be gone through.

SHRI N. K. P. SALVE: We will cooperate with you. You better cooperate with us. It is a question of 15 minutes only.

THE DEPUTY CHAIRMAN: The statements can be made tomorrow also because I think...

PROF. MADHU DANDAVATE: The Appropriation Bill can be carried without any discussion.

SHRI N. K. P. SALVE: I think the Appropriation Bill can be passed without any discussion

SHRI M. S. GURUPADASWAMY: I am not making any suggestion, but let the official business be over. If the Appropriation Bill can be passed without debate I welcome it.

THE DEPUTY CHAIRMAN: Whatever is the wish of the House...

SHRI N. K. P. SALVE: Anyway, Madam, it is impossible for us to sit beyond 8.45 today. Please do not misunderstand us. There is a very compelling engagement which all of us have to fulfil. It is not possible for us to be here after 8.45.

THE DEPUTY CHAIRMAN: And what about the discussion on the Report of the Economic Advisory Council?

SHRI JAGESH DESAI: We are prepared to sit up to midnight tomorrow.

SHRI M. S. GURUPADASWAMY: Let the official bsuiness be completed. Let there not be any discussion on the Appropriation Bill. If the official business is over by 8 45, the House can be adjourned.

SHRI N. K. P SALVE: It is only a question of 15 minutes. I can assure the Leader of the Opposition that let us sit tomorrow till we finish the whole business.

AN HON. MEMBER: Are you assuring as the Leader of the Opposition?

THE DEPUTY CHAIRMAN: He is assuring his opposition leader. He himself is in the opposition and the term is relative.

SHRI SUKOMAL SEN (West Bengal): In that case we can pass the Bill without any discussion.

SHRI MOSTAFA BIN QUASEM (West Bengal): Madam Deputy Chairman, I rise to lend my support to the present Bill which seeks to relace an Ordinance promulgated by the President sometime in October to give a legal cover to the postponement of elections in Assam during the recently concluded general elections. Madam, the postponement of election

in Assam has one particular aspect and that is, millions of electors in Assam could not exercise their vote simultaneously with the co-citizens of other parts of the country in democratically electing a Government of their choice. What is more important, I think they were deprived of the opportunity of joining their hands in removing a Government at the Centre which was run by the Congress(I) Party, in removing from the Centre a regime which was rotten by all standards, a regime which was surrounded by corruption, scandals, a regime of national disintegration, of repressions from the people and a regime which because of its anti-people policy on all fronts brought so much misery in the lives of the masses of our country.

SHRI V. NARAYANASAMY (Pondicherry): It applies to Kerala also.

SHRI MOSTAFA BIN QUASEM: It is unfortunate that the voters of Assam could not join hands with the voters of other parts of the country in dethroning that particular regime.

Whatever it is, the fact is that the election in Assam was postponed because the revision of electoral rolls could not be completed there on time. While revision of electoral rolls could be completed in other parts of the country, why could it not be done in Assam? Madam, you are aware that there is a provision in the Representation of the People Act that for the purpose of preparation and revision of electoral rolls at any particular point of time in any part of the country, the immediately preceding electoral roll is taken as the basis and during the course of the revision of electoral roll in 1989 in Assam the immediately preceding electoral roll was the 1985 electoral roll which was prepared and thoroughly revised after the Assam Accord of 1985, which had had 1966 as the cut-off date for the determination of citizenship and voting right. I would like to point out in this connection that we from our party did not lend support to the Assam Accord because we did have this apprehension that if 1966 was accepted as the cut-off date and not 1971 in accordance with the Indira-Mujib Pact, then lots of genuine citizens of India would be losing their citizenship right and they would simply be de-enfranchised and their names would not be in the voters' list. The 1985 voters' list was there and in accordance with that voters' list, the present State Government of Assam came into power; the elections were held on the basis of that voters' list and the present Government came into power on the basis of that.

Now when the draft electoral rolls were published, our apprehension proved to be correct because the 1966 voters' list was accepted as the basic rolls for revision of electoral rolls in Assam and when the draft electoral rolls were published in October, it was pointed out that names of several lakhs of genuine Indian citizens were omitted from those rolls in Assam. In this connection, I would like to point out that the hon. Minister has also given us to know that the final voters' list has been published by the Election Commission and the parliamentary election in Assam is round the corner. We do expect that it is going to be held sometime in February, 1990. I do completely agree with my learned colleague, Dr. Saikia, that we do not want any foreigners to be voting in Assam during the parliamentary election. That is correct. But at the same time, it must be ensured that under the pretext of foreigners, no single, genuine Indian citizen is debarred from using his voting right during the parliamentary election in Assam.

So I would request the hon. Minister to see that arrangements are made and that the Central Government do extend necessary help to the State Government so that the parliamentary election which is pending in Assam may be held as early as possible without any further delay. So, one side of the thing is that elections must be held in Assam as early as possible.

[Shri Mostafa Bin Quasem]

And secondly, it must be enured that arrangements are made to see that the names of genuine voters or the names of genuine Indian citizens which do not figure in the voters' list published on 23rd December, are included in that list so that they may be able to exercise their franchise in the coming parliamentary election in Assam.

With these words, I, once again, lend my support to the present Bill. Thank you.

श्री (मौलाना) असद मदनी (उत्तर प्रदेश): जनाब नायब सदर साहेब, इस वक्त जो बिल पेश है यह आर्डिनेंस की सूरत में पहले नाफिज हो चुका है । लेकिन वहां जो मसला खड़ा किया जा रहा है वह गैर मुल्की के नाम पर है। इस वक्त भी पांच लाख के करीब लोगों के वोटरों के नाम गैर मुल्की के आधार पर गलत तरीके से इस में शामिल होने से रह गये हैं । उनका इन्तजाम होना जरूरी है । कोई भी शख्स किसी गैर मुल्की को नाजायज तौर पर यहां रहने का हकूक देने का हामी नहीं हो सकता । लेकिन शहरियों को कांस्टीट्यूशन ने इण्डियन या गैर इण्डियन को साफ कर दिया । जो लोग हिंदुस्तान के शहरी हैं, मुअज्ज शहरी हैं, उनका हैरासमेंट करना, इन्साफ न मिले, रास्ते में दिक्कतें पैदा करना, पुलिस के जरिये से शहरियत के फैसले का हक खराब करना और पुलिस को यह अख्तियार दे देना कि जिसको चाहे वह हिंदुस्तानी माने और जिसको चाहे खदेड़ दे, ऐसी सूरत करप्शन, बरबादी, नाइन्साफी और जुल्म के अलावा और कोई चीज नहीं हो सकती । मामूली तादाद नहीं है । एक तरफ 18 साल के वोटर मानकर करोड़ों आदमियों को शामिल किया गया है और दूसरी तरफ एक सूबे, आसाम जैसे में 5 लाख के करीब नाम रह गये है आप इनको पास कीजिए । लेकिन यह यकीन-दहानी कीजिए कि इन 5 लाख नामों पर ट्राई होगी और उसके बाद इलेक्शन का ऐलान होगा । ऐसा नही कि इनको इसी तरीके से जो चाहे कहकर छोड़ दिया जाये । ये सब के सब नाम रह जायें और उनको तरह-तरह की परेशानियों हो जब इलेक्शन का आप ऐलान कर दें । यह नहीं होना चाहिए । यह इन्साफ के खिलाफ है । ऐसा करना मुल्क की रवायत के खिलाफ होगा । मैं यह बात कहते पर मजबूर हूं कि लोगों को वहां पर इन्साफ नही मिल रहा है और तरह तरह की साजिशें हो रही हैं । एक ट्रिब्यूनल इस बात के फैसले के लिए बना था कि अगर किसी के खिलाफ किसी को शिकायत हो तो उनको सब डिवीजनों से डिस्ट्रिक्ट से भी खत्म करके हो । एक जाहिल गरीब अनपढ़ देहाती के मुताल्लिक शिकायत हो, वह सबूत देने के लिए सौ सौ मील दूर जाये, उतनी दूर जाने के लिए परेशानी उठाये और तरह-तरह के खतरात से दो चार हो, उस रास्ते में जो असम पुलिस है वे लोग भी कोई हिफाजत नहीं करते हैं, जो कूबत असम की है और गड़बड़ी करते रहते हैं । कागजात फेंक दिये जाते हैं, जला दिये जाते हैं, उनसे ऐसी चीजें मांगी जाती हैं जो बड़े-बड़े मिनिस्टरों के पास नहीं होती हैं । उनसे कहते हैं कि बर्थ सर्टिफिकेट लाइये । मैंने एक मिनिस्टर साहब से पूछा कि हुजूर का बर्थ सर्टिफिकेट है । कहने लगे कि नही । मैंने कहा आपका नहीं है, पढे लिखे वकालत पास मिनिस्टर हैं सेंटर में और आपका बर्थ सर्टिफिकेट नहीं तो एक गरीब जाहिर का रहने वाला आदमी बर्थ सर्टिफिकेट कहा से लायेगा । होना वह यह चाहिए कि जो कोई चीज भी सबूत तौर पर कागजी मौजूदा हो उसको मान लिया जाये ताकि यह बात तसफीयातलब एक तरफ हो । इसलिए ऐसे तरीके जो अख्तियार किये जा रहे हैं शहरियों को खौफजदा करने के और पुलिस के हाथ में देने के ये सब नही होने चाहिए । अगर आप मुतमइन होना चाहे तो उसके लिए को भी ऐसा माकूल और मुनासिब तरीका हो जो गरीब लोग कर सके, वही उसको मुहैया करना चाहिए । जहा तक आसाम गवर्नमेंट का ताल्लुक है वह तो हर नाजायज तरीका लोगों के नाम कटवाने के लिए अख्तियार कर रही है । अभी मैंने थोड़ी देर पहले कहा था कि मैंने यह सुना है कि इलेक्शन कमीशन यह कहता है कि किसी शक्स के खिलाफ आब्जेक्शन में एक शक्स एक खानदान के खिलाफ आब्जेक्शन कर सकता है लेकिन वहां एक एक आदमी ने हजार हजार, दो दो हजार, सात सात हजार आब्जेक्शन किये हैं और सभी गैरकानूनी तौर पर । लोगों मे हैरासमेंट पैदा हो रहा है । इस तरह से करप्शन बढ रहा है और रिश्वते बढ़ रही हैं और लोग

मुसीबत में मुब्तिला हैं, खुदा जाने उनका क्या होगा । इसी तरीके से ए.जी.पी. का जहां तक ताल्लुक है, हमारे इल्म में यह आया कि वे तमाम गैर कानूनी तरीकों को ट्रेनिंग दे रहे हैं, रिगिंग की, बूथ कैप्चरिंग की और तमाम चीजें । इन चीजों का ख्याल चाहिए, इंतजाम होना चाहिए । अगर इस तरह लाकानूनियत बढ़ती चली जायेगी और वह पार्टी तो आखिर आदि है कल कत्ल गारदगिरी और फसाद आदि तमाम चीजें करा चुकी हैं । अरबहा अरब, पचासों अरब, सैकड़ों अरब का नुकसान पहुंचा चुकी है । रोजाना डेढ़ करोड़ का पैट्रोल बंद करके यह नुकसान पहुंचाया है । इसी तरह बिजिनेस में इंडस्ट्री में हर चीज में आसाम ने हुकुमते हिंदुस्तान को नुकसान पहुंचाया है । इसलिए यह बात जरूरी है कि इन्साफ का कानून रायज हो और लाकानूनियत न बरती जाये । इन अल्फाज के साथ मुझे अफसोस है कि ऐसी शक्ल होने जा रही है । अगर यह बात नहीं होती कि वोटर्स के मामले में ठीक तरीके से कानून के मुताबिक काम हो तो ये लाखों आदमी तमाम जो मुल्क भर में सूरते हाल है उसके बरखिलाफ वोटर्स लिस्ट से कटे रह जायेंगे और महरूम होंगे और उनकी जिंदगी में और मुसीबतें पेश होंगी । इसलिए इन चीजों की रियायत जरूरी है और इसका मिनिस्टर साहब को इत्मीनान दिलाना चाहिए ।

†اشرفی (مولانا) اسعد مدنی
ڈاکٹر پردیش : جناب نائب صدر صاحبہ - اس وقت جو بل پیش ہے - یہ آرڈیننس کی سورت میں

پہلے نافذ ہو چکا ہے - لیکن وہاں جو مسئلہ کھڑا کیا جا رہا ہے - وہ غیر ملکی کے نام پر ہے - اس وقت بھی پانچ لاکھ کے قریب لوگوں کے ووٹروں کے نام غیر ملکی کے آدھار پر غلط طریقے سے اس میں شامل ہونے سے رہ گئے ہیں - انکا انتظام ہونا ضروری ہے - کوئی بھی شخص کسی غیر ملکی کو ناجائز طور پر یہاں رہنے کے حقوق دینے کا حامی نہیں ہو سکتا - لیکن شہریوں کو کانسٹی ٹیوشن نئے انڈین یا غیر انڈین کو صاف کر دیا - جو لوگ ہندوستان کے شہری ہیں - معزز شہری ہیں - انکا ہریسمنٹ کرنا - انصاف نہ ملنا - راستے میں دقتیں پیدا کرنا - پولیس کے ذریعے سے شہریت کے فیصلے کا حق خراب کرنا اور پولیس کو یہ آختیار دے دینا - کہ جس کو چاہے وہ ہندوستانی مانے اور جس کو چاہے کھدیڑ دے - ایسی صورت میں کرپشن - بربادی - ناانصافی اور ظلم کے علاوہ کوئی چیز نہیں ہو سکتی - معمولی تعداد میں نہیں ہے - ایک طرف ۱۸ سال کے ووٹر مان کر کروڑوں آدمیوں کو شامل کیا گیا ہے اول دوسری طرف ایک صوبے آسام جیسے میں - پانچ لاکھ کے قریب نام رہ گئے ہیں - آپ اس کو پاس کیجئے - لیکن یہ یقین دھانی کیجئے - کہ ان ٥

†[ ] Transliteration in Arabic script.

ہیں - ان سے کہتے ہیں کہ برتھ سرٹیفکیٹ لائیے - میں نے ایک منسٹر صاحب سے پوچھا کہ حضور برتھ سرٹیفکیٹ ہے - کہنے لگے کہ نہیں - میں نے کہا آپ کا نہیں ہے پڑھے لکھے وکالت پاس منسٹر ہیں سینٹر میں اور آپ کا برتھ سرٹیفکیٹ نہیں ہے - تو ایک غریب جاہل دیہات کا رہنے والا آدمی برتھ سرٹیفکیٹ کہاں سے لائے گا - ہونا یہ چاہئے کہ جو کوئی بھی ثبوت کے طور پر کاغذ موجود ہو اسکو مان لیا جائے - تاکہ یہ بات جو تصفیہ طلب ہے ایک طرف ہو - اسلئے ایسے طریقے جو اختیار کئے جارہے ہیں - شہریوں کو خوفزدہ کرنے کے اور پولیس کے ہاتھوں میں دینے ہے - یہ سب نہیں ہونے چاہئے - اگر آپ مطمئن ہونا چاہیں تو اسکے لئے کوئی بھی ایسا معقول اور مناسب طریقہ ہو - جو غریب لوگ کرسکیں - وہ اسکو سہیا ہونا چاہئے - جہاں تک آسام گورمینٹ کا تعلق ہے وہ تو ہونا چاہئے طریقہ لوگوں کے نام کٹوانے کیلئے اختیار کررہی ہے - ابھی میں نے تھوڑی دیر پہلے کہا تھا کہ میں نے یہ سنا ہے کہ الیکشن کمیشن یہ کہتا ہے کہ کسی شخص کے خلاف آبجیکشن میں ایک شخص ایک خاندان کیلئے کے خلاف آبجیکشن کر سکتا ہے - لیکن

[شری (مولانا) اسعد مدنی]

لاکھ ناموں پر تراٹی ہوگی - اور اسکے بعد الیکشن کا اعلان ہوگا - ایسا نہیں کہ ان کو اس طویلے سے جو چاہے کہکر چھوڑ دیا جائے - یہ سب کے سب نام رہ جائیں - اور انکو طرح طرح کی پریشانیاں ہوں جب الیکشن کا آپ اعلان کردیں - یہ نہیں ہونا چاہئے - یہ انصاف کے خلاف ہے ایسا کرنا ملک کی روایت کے خلاف ہوگا - میں یہ بات کہنے پر مجبور ہوں کہ لوگوں کو وہاں پر انصاف نہیں مل رہا ہے - اور طرح طرح کی سازشیں کی جا رہی ہیں - ایک ٹریبیونل اس بات کے فیصلے کے لئے وہاں بنا تھا - کہ اگر کسی کے خلاف کسی کو شکایت ہو تو انکو سب ڈویژنوں سے - ڈسٹرکٹ سے بھی ختم کرکے ہو - ایک جاہل غریب آدمی ان پڑھ دیہاتی کے متعلق شکایت ہو وہ ثبوت دینے کیلئے سو سو میل جا جائے - اتنی دور جانے کیلئے پریشانی اٹھائے - اور طرح طرح کے خطرات سے دو چار ہو - اس واسطے میں جو امن پولیس وہ لوگ بھی کوئی حفاظت نہیں کرتے - جو قوتیں امن کی ہیں اور گڑبڑی کرنے رہتے ہیں - کاغذات پھینک دیئے جاتے ہیں - جلا دیئے جاتے ہیں - ان سے ایسی چیزیں مانگی جاتی ہیں - جو بڑے بڑے منسٹروں کے پاس نہیں ہوتی

होती है। नागरिकता के मामले में तकनीकी तरीके से कानून के मुताबिक काम हो तो यह अच्छी बात हो सकती है। लेकिन कोई आदमी अगर विदेशी है तो उसके खिलाफ कार्रवाई करने से पहले उसको अपने को नागरिक साबित करने का मौका दिया जाना चाहिए। उसको अपील करने का मौका दिया जाना चाहिए। उसको सुनवाई का मौका दिया जाना चाहिए। इसके लिए कानून में व्यवस्था होनी चाहिए। मैं माननीय गृह मंत्री जी से अनुरोध करूंगा कि वह इस संशोधन को स्वीकार करें।

श्री शरद यादव : उपसभापति जी, यह जो बिल पेश हुआ है, उसका समर्थन करने के लिए मैं खड़ा हुआ हूं।

मैं इसके मुताबिक केवल एक बात कहना चाहता हूं कि नागरिकता तय करने का एक सम्प्रदाय सारे देश के लिए होना चाहिए। जो मानदंड बिहार में हो, उत्तर प्रदेश में हो, वही मानदंड असम में भी होना चाहिए। अगर एक मानदंड नहीं होगा, वहां की नागरिकता तय करने के लिए कोई दूसरा मानदंड होगा, जैसे अभी हमारे कोलीग ने कहा कि बर्थ सर्टिफिकेट मांगी जाती है, तो बर्थ सर्टिफिकेट बिहार में तो नहीं मांगे जाती है, बर्थ सर्टिफिकेट उत्तर प्रदेश में नहीं मांगी जाती है, तो फिर असम में क्यों मांगी जाती है?

इसलिए हमारा इसमें अनुरोध है कि सरकार इसकी जरूर छानबीन करे कि कोई गलत आदमी नागरिक न बने, कोई विदेशी आदमी न बने, इसकी तो गारंटी होना चाहिए, लेकिन इसके बहाने जो आदमी सही नागरिक हो, उसको भी बर्थ सर्टिफिकेट नहीं रहने पर, या कोई और तरीके से हो, उसके आधार पर छांटना ठीक नहीं है। लेकिन मैं समझता हूं कि वहां की सरकार एक बड़े आंदोलन के गर्भ से निकली है और आंदोलन की जड़ भी यही नागरिकता।

وہاں ایک آدمی نے ہزار ہزار دو دو ہزار - سات سات ہزار آدمیوں کو مروایا تھا - اور سینکڑوں نہتے قانونی طور پر لوگوں میں دہشتگردی پیدا ہو رہی ہے - اس طرح سے کرپشن بڑھ رہا ہے - اور دہشتگردی بڑھ رہی ہیں اور لوگ معصوم لوگ مارے جاتے ہیں - کیا جانے ان کا کیا ہوگا - اس طریقہ سے ایف - جی - پی - کا جہاں تک تعلق ہے - ہمارے علم میں یہ آیا ہے کہ وہ تمام نہتے قانونی طریقوں کو توڑنے کے لئے ہیں - رشوت گیں - بوگس کیسوں - اور جھوٹوں کا خیال رکھنا چاہئے - انتظام ہونا چاہئے - اگر

اس طرح کا کارروائی ہوتی چلی جائے گی - اور یہ ہماری تو آنکھ ہماری ہے تمل - ہماری کمی اور فساد وغیرہ تمام چیزیں کو چکی ہے - اربہا ارب - پچاسوں ارب - سینکڑوں ارب کا نقصان پہونچایا جاتا ہے - روزانہ تیرہ کروڑ کا پٹرول بلیک کرکے یہ نقصان پہونچایا ہے اسی طرح بزنس میں انڈسٹری میں ہو چکا ہے - میں آسام نے حکومت اپنے ہاتھ میں لیا ہے - اس لئے یہ بات ضروری ہے گے انصاف کا قانون رائج ہو - اور کا قانونیت نہ برتی جائے - ان الفاظ کے ساتھ میں اپنی افسوس ہے کہ ایسی شکل ہونے جا رہی ہے - اگر یہ بات نہیں

[श्री राम अवधेश सिंह]

तो मैं समझता हूं कि उस नागरिकता के आंदोलन को वह सरकार छोड़ नहीं सकती । वह उसका आधार है । अगर उसे छोड़ेगी, तो खुद उसके अस्तित्व पर प्रश्न-चिन्ह लग जाएगा । इसलिए अपने अस्तित्व को बचाने के लिए जो भी तरीका उसको उचित लगे, हमारी दृष्टि से वह गलत हो, लेकिन उनकी दृष्टि से उनकी अस्तित्व रक्षा के लिए जो तरीका होगा, उसको वह अपनायेंगे ।

फिर भी एक भारतीय की हैसियत से और एक संसद सदस्य की हैसियत से मैं यह मांग करना चाहूंगा कि असम में भी वही स्टैण्डर्ड रहना चाहिए जो अन्य प्रांतों में हैं । तब तो किसी को ऐसा नहीं लगेगा कि हमारे साथ पक्षपात हो रहा है, हमारे साथ अन्याय हो रहा है ।

मैं इन्हीं शब्दों के साथ विदा लेता हूं ।

SHRI DINESH GOSWAMI: Before I respond to the points raised in this debate, I would like to express my happiness for being able to participate in this debate in this august House with which I had very fruitful and happy association of six years after a gap of six years.

I am thankful to all the Members who have participated in this Bill and who have supported the Bill, though they may have raised certain points regarding the inclusion or exclusion of names in the Voters' list of Assam.

A point has been made by Mr. Kamalendu Bhattacharjee that how is it that the AGP legislators or Members of Parliament who came to power in 1985 on the basis of the Voters' List of 1985 can ask for fresh enumeration or a fresh Voters' List. The House must recall that there was a long movement on the foreigners' issue in Assam and an Accord was signed or a Memorandum of Settlement was signed on 14th August 1985. There was no representation from Assam from 1984 and after the Memorandum of Settlement was signed, the demand was that there should be a revision of the Voters' List. It was impressed upon the leaders of the Movement that if a revision of Voters' List takes place it will take a long period and it would be unwise and unfortunate if Assam remains unrepresented in the Lok Sabha for another year or so and they were persuaded to contest the election on the assurance that after the elections there will be revision of the Voters' List. On this persuasion the Movement leaders decided to participate in the election on the basis of the 1985 Voters' List. In 1989, when the question of revision of the Voters' List came there was a demand for intensive revision of the Voters' List. My friend from the CPM has said that the Voters' List was revised on the basis of the 1966 Voters' List being made the base Voters' List. May I correct him by saying so that it is not correct. The Election Commission took up a position that when there is an intensive revision of the voters' list it can be done. No voters' list can be taken as the base whether it is 1966 or 1985. The only point that the Election Commission made was that the Assam accord indicates that people who have come after the 1st January, 1966 would be disenfranchised for 10 years; positive use would be made of the 1966 voters' list in the sense that those persons whose names appear in the 1966 voters' list as well as their descendants will not be questioned, will be automatically treated as eligible to vote in the elections in Assam. Now this went on for sometime. There were natural calamities and the preparation of the voters' list became an emotional issue in Assam. Knowing fully well that the Election Commission was wedged between the two conflicting claims, one claiming that there is an effort to include names of foreigners in the voters' list like the All Assam Students Union and other claiming that a large number of Indian citizens are likely to be omitted in the voters' list, the Election Commission took as

much time as possible to see that a correct voters' list is prepared. Now some points have been made against AGP that there is a lot of harassment. Madam, I am proud and happy to say that in spite of the fact that preparation of this voters' list definitely created some emotional atmosphere, the entire exercise of the preparation of voters' list has been carried out and the final voters' list has been published on the 23rd December, 1989 without a single incident of violence in the State of Assam. Let us not forget that during the last six to nine months when in most parts of India there was communal violence, violence of the type of Bhagalpur which both the Houses have condemned, though there was an emotional atmosphere, there was no communal violence in the State of Assam and as a Member coming from Assam, I feel proud that even today there is communal amity in the State and I congratulate the entire people of Assam, the younger generation, the youth, All Assam Students Union and I congratulate the minorities for creating a situation where there was no communal violence and there was an atmosphere of peace, in spite of the fact that they had to live under such apprehensions.

Madam, now everybody has said that 5 lakh names htave been omitted from the voters' list. Yes, it is projected as 5 lakhs and appears to be a very, very big number. But let us look the other way round. The number of persons enumerated was 1,22,72,765 and the number of persons included in the draft voters' list was 1,17,51,000. Now if you look to the magnitude of the number 1,22,00,000 which were enumerated, you will appreciate the feeling that there is a large number of voters who have been left out is not very correct. In fact, it has been complained against CPM in Bengal that more than 10 or 15 lakhs have been left out. In all the constituencies there are complaints that people have been left out. I am not saying for a moment that in these 5 lakhs, if one Indian citizen has been left out, his name should not be included. I still plead with the Election Commission and I have made it clear to the Election Commission, if they feel even now any one single Indian citizen has been left out, see that his name is included.

Now, today in Assam a certain criticism has been made against AGP. The AGP is in a very difficult situation. The biggest criticism against the AGP is from All Assam Students Union that the AGP has failed in the preparation of voters' list in which the names of foreigners are not. The Election Commission is in a very difficult situation, one section claiming that a large number of foreigners' names have been included and the others claiming that a large number of names have been left out. I must compliment the Election Commission that in spite of tremendous difficulties, the Election Commission has done a fair job and they took all precautions to see that neither foreigners' names are included nor the names of Indian citizens are excluded. I interacted with the Election Commission and I can take the House into confidence about some of the measures that the Election Commission took. The measures were that a large number of EROs were appointed. Then in all cases where the names of voters were deleted, reasoned orders have been maintained; speaking orders have been maintained; orders have shown in detail as to why their names have been omitted and the Election Commission has directed the State Electoral Officers to maintain a record of those reasoned orders. The Election Commission is also on record that the Government of Assam helped the Election Commission in all possible ways, giving whatever assistance was asked for by the Election Commission and the Election Commission really praised the State of Assam, the officials of the Assam Government and particularly the people of Assam. It was stated, just before the ninth election to the Ninth Lok Sabha, if

[Shri Dinesh Goswami]

such an exercise of preparation of voters' list in a peaceful atmosphere can be carried out in the State of Assam without violence, how one cannot have the confidence that the election to Lok Sabha also can be carried on in an atmosphere of peace? I would like to quote the Election Commission. According to the version of the Election Commission, the Chief Electoral Officer and the other officers of the State Government, particularly the Chief Secretary and the Chief Electoral Officer and the two Secretaries of the Commission have functioned as a team in a full spirit of cooperation and understanding in making the process of revision as smooth and as free from harassment as possible. The hon. Members probably will realise that when in a country like ours where we deal with crores of voters, a perfect voters' list is never possible. I do not think there is one constituency in the whole of the country where one can claim that we have a perfect voters' list. Certain names will be included probably who are not eligible, certain names will be excluded. That is an unfortunate state of affairs but we shall have to accept this state of affairs because of the enormity and the size of population. But even after the publication of the draft roll there were representation before the Election Commission from the minorities that a large number of persons who are eligible to be voters, their names have been excluded. Equally, there were representations from the All Assam Students Union and others that a large number of persons who are not eligible to be voters, their names have been included. The Election Commission is on record to say that even though the final voters' list has been published, there are still avenues open for further correction of the voters' list. There was a demand that the voters' list should not be published but if the voters' list would not have been published within the month of December, very serious consequences would have followed because the electoral law would have required the process of revision to be started afresh after the 1st of January 1990. After an exercise which has been carried out for about a year in an emotional atmosphere if the whole exercise would have been to carry out afresh, this I think would have been the greatest injustice to the minorities themselves and therefore the Election Commission has said that even though the final voters' list has been prepared, there are provisions under sections 22 and 23 of the Representation of the people Act that those people who feel that certain names have been included which should not have been included, they can approach the Election Commission or, those persons whose names have been deleted though they are eligible to be included, they can also approach the Election Commission and the Election Commission has given this assurance to the people of Assam that even after the final publication of the voters' list, all care will be taken in the light of this exercise of the right under sections 22 and 23 to see that if there are still some anomalies in the voters list, that can be recorded. My friends have asked me that we, the Government of India, now should ensure that the elections in Assam take place immediately. I want to point out one thing that we, this Government, will not exercise any influence whatsoever on the Election Commission. As the Minister of Law I made this statement in the other House and I repeat it, this Government will not have any influence or will not try to exercise any influence either upon the Judiciary or upon the Election Commission The Election Commission, under Article 324 of the Constitution, has the full right in all electoral matters. Now we will not like to impose an election upon them. We will not like to tell the Election Commission, "Hold the elections as early as possible". Speaking for myself, I would like the elections to be held early because I would like that the people of Assam should choose their representatives so that they can find their rightful

7 P.M.

place, whether they choose representatives of our party or any other party, in the Lok Sabha. But when the Election Commission has assured the people of Assam and the minorities that if there is any grievance, either of exclusion or of inclusion, it will be looked into, I would like the Election Commission to look into the whole matter and, once the Election Commission is satisfied, after disposal of all the claims and counter claims which are made in terms of sections 22 and 23 of the Representation of the People Act, to hold elections in Assam. Only I will say that we will like the elections in Assam to take place as early as possible. I will plead with this House to cooperate with the people of Assam in maintenance of the atmosphere of peace and harmony. We can be emotional and we can make allegtions, but emotions and allegations do not contribtue to an atmosphere of peace and harmony, but rather contribute, sometimes, to misunderstandings. Therefore, I feel that even if there are certain anomalies, which Members feel there are, or the Election Commission feels that the voters' list has been as correct as possible, under the circumstances, even now avenues are open under sections 22 and 23. People may exercise their right. I will plead with the Election Commission: You give your due judgment on these representations and see that, if there are some anomalies, those anomalies are removed; and if you are satisfied that the correct voters' list has been published, then hold elections in Assam as early as possible.

I would not like to take much of your time because there is still a lot of business to be conducted in this House, even after this, in spite of the fact that we have assured a dinner to the Members of the House. I once again thank all the Members for their participation and I hope that this Bill have the unanimous approval of this House.

कुमारी सईदा बानो (मध्य प्रदेश) : महोदया, माननीय मंत्री जी से मैं एक पाइंट के बारे में पूछना चाहती हूं कि जब 1985 की वोटर्स लिस्ट को इलेक्शन कमीशन चेंज कर रहा है। तो अगर यह इन्क्लूडेड है, अगर 1985 की वोटर लिस्ट गलत है तो फिर जिन वोटर्स ने उस पार्लियामेंट को चुना है, वह आपकी स्टेट गवर्नमेंट भी गलत हो सकती है। तो जो 5 लाख लोग अभी निकाले गए हैं, उन लोगों को होना चाहिए था। ..(व्यवधान)..

उपसभापति : मंत्रीजी को जवाब देने दीजिए। आप मंत्री थोड़े ही बनी हैं, जब बनेंगी तब हम आपको बुलायेंगे।

SHRI DINESH GOSWAMI: I have answered this question. But I would like to add that the Election Commission, after each election or before each parliamentary or assembly election and at the beginning of each year, should go for a revision of voters' list. Revision of voters' list does not mean that a government elected on the basis of an earlier voters' list is an invalid government. In that case, Rajiv Gandhi's Government also becoems an invalid Government. Now, it is the duty of the Election Commission to go for a revision of the voters' list before each election and after every year and this argument that because the AGP came into power on the basis of the 1985 voters' list, there cannot be any revision, is not in accordance with law.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Representation of the People Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: Now we shall take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI DINESH GOSWAMI: Madam, I beg to move:

"That the Bill be passed."

The question was proposed.

SHRI BHUBANESHWAR KALITA (Assam): Madam, I am happy that the Minister has a lot of praise for the peace and communal amity in Assam. May I remind the honourable Minister that this is not something new? Even in 1948, when communal riots were there everywhere in this country, Assam was peaceful and we maintained communal amity.

Now, on this, may I ask the honourable Minister one question? I would like to know whether the voters' list completed and published on the 23rd of this month will be the final list and whether the next election will be held on the basis of this voters' list of there will be a further revision of the list.

SHRI DINESH GOSWAMI: Well, I have clarified this point. But, since the question has been put, I would like to point out that under the Representation of the People Act, 1951, even after a final voters' list is published, there are provisions under section 22 and section 23. Section 22 empowers the Electoral Registration Officer for a constituency, on an application made to him or on his own motion, which means exercise of *suo motu* powers, if he is satisfied, after an inquiry, that any entry in the electoral roll or list is erroneous or defective, to delete it; he can delete it.

Section 23 also empowers the Electoral Registration Officer for inclusion of names. Therefore, though the final voters' list has been published, still it is subject to correction under the provisions of section 22 and section 23 and the Election Commissioner has assured the people of Assam that as there has been a representation by both sides of the people, some claiming that a large number of foreigners' names have been included and some others claiming that though they are eligible, their names have been deleted, whenever any exercise of power is made by anybody, under section 22 and section 23, the Electoral Officers will apply their minds and try to remove any difficulty whatsoever, if it is there. Therefore, the election will be on the basis of the final voters' list that is pulished subject to the corrections that may be made in exercise of the powers under section 22 and section 23 of the Representation of the People Act, 1951.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MESSAGE FROM THE LOK SABHA

Railway Convention Committee

SECRETARY-GENERAL: Madam, I have to report to the House the following message from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:—

"I am directed to inform you that Lok Sabha, at its sitting held on Thursday, the 28th December, 1989, adopted the following resolution:—

"That this House do recommend to Rajya Sabha to agree to associate 6 members from Rajya Sabha with the Parliamentary Committee to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon and to communicate the names of the members so appointed to this House."

"I am to request that the concurrence of Rajya Sabha in the said resolution, and also the names of the members of Rajya Sabha so appointed, may be communicated to this House."